



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 11, 2005

SUBJECT: **2004-0772 – Calla Properties** [Applicant] **Hunter Beverly J Et Al** [Owner]: Application for related proposals on an 11,200 square foot site located at **393 Beemer Avenue** (near N Mathilda Ave) on an R-2 (Low-Medium Density Residential) Zoning District. (APN: 204-51-030) (Mitigated Negative Declaration) DO

Ordinance **Rezone** from R-2 (Low-Medium Density Residential) Zoning District to R-2/P-D (Low-Medium Density Residential/Planned Development) Zoning District;

Motion **Special Development Permit** to allow three townhomes

Motion **Parcel Map** to subdivide one lot into three lots.

REPORT IN BRIEF

Existing Site Conditions Two detached units

Surrounding Land Uses

North	Duplex
South	Duplex
East	Duplex
West	San Andreas Ct. and the Mathilda Ave. Overpass

Issues Noise

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Medium Density Res.	Same	Low Medium Density Res.
Zoning District	R-2	R-2/PD	With PD
Lot Size (s.f.)	11,200	Lot 1, 3 – 4,480 Lot 2 – 2,240	8,000 min.
Lot Width (ft.)	100	20	76 min
Gross Floor Area (s.f.)	2,140	4,684	6,160 max.
Lot Coverage (%)	19%	22%	40% max.
Floor Area Ratio (FAR)	19%	43%	55% without PC review
No. of Units	2	3	3 max.
Density (units/acre)	7.7	11.6	12 max.
Meets 75% min?	No	Yes	Per Housing Policy
Bedrooms/Unit	N/A	2 – 3 bdrm 1 – 2 bdrm	---
Unit Sizes Including Garage (s.f.)	Unit 1 – 1,188 Unit 2 – 960	Approx 1,600	N/A
No. of Buildings On-Site	2	1	---
Building Height (ft.)	14	25	30 max.
No. of Stories	1	2	2 max.
Setbacks (First/Second Facing Property)			
• Front	N/A	25'/25'	20'/25' min.
• Left Side	N/A	20'/20'	4'/7' min.
• Right Side	N/A	20'/20'	8'/11' min.
• Rear	N/A	40'	20' min.
Landscaping (sq. ft.)			
• Total Landscaping	N/A	7,346	2,550 min.
• Landscaping/Unit	N/A	2,448	850 min.
• Usable Open Space/Unit	N/A	Unit 1,3 –1,600 Unit 2 - 800	500 min.
Parking			
• Total Spaces	4	8	8 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
• Covered Spaces	0	3	3 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

This project includes demolishing all existing structures on the site and building three townhomes facing Beemer Avenue. This project requires a Rezone to a Planned Development to allow deviations from lot width and size standards in the R-2 Zone, a Special Development Permit to review use, site and architectural details, and a Parcel Map to split the lot into three townhouse lots.

Background

Previous Actions on the Site: There are no previous planning actions on the project site.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures. (Attachment C).

Noise: A noise report was prepared by Edward Pack and Associates regarding potential noise impacts on the proposed development. The main source of noise is the ambient traffic noise from the adjacent Mathilda Avenue overpass. The noise level from the overpass requires special measures to ensure adequate noise insulation.

The General Plan and the Uniform Building Code require all interior residential spaces to have a noise level at 45 dB or below. In order to meet this standard, recommended mitigation measures include special window installation and ventilation systems for Unit 1 on the west and north elevation and Units 2 and 3 for the north elevation. These mitigation measures are included in the Mitigated Negative Declaration as well as Conditions of Approval #2A.

Exterior noise levels to the project are in excess of 60 dB, which is the suggested standard described in the Noise Element of the General Plan. The noise consultant researched possible methods to mitigate this noise. Due to the height of the overpass, an acoustically-effective wall of over 9 ft. in height would be required to reduce the noise level to 60 dB or below. As this was found impractical, the noise consultant and staff recommend a 7 ft. high acoustically effective fence between all backyards of Units 1, 2 and 3 (Condition #5A).

Rezoning

Change Under Consideration: R-2 (Low Medium Density Residential) to R-2/PD (Low Medium Density Residential/Planned Development).

Discussion of Rezoning: The purpose of the Planned Development Combining District is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations. In 1998, the City Council approved guidelines for the use of PDs and Special Development Permits (SDPs). The subject request for a PD meets all of the three applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood. (Meets)*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project. (Meets)*
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district. (Meets)*

The project involves the subdivision of one property into three, requiring deviations from the requirements of 8,000 sq. ft. per lot and 76 linear feet in lot width. These deviations may be necessary to create separate owner-occupied lots while providing good site and building design.

Special Development Permit

Use: The site currently has two detached structures on it. The structures are at least fifty years old but are not designated Heritage Resources and do not have significant architectural or historical significance. While this property is currently being used as a duplex, both City records and the County Assessor's office has listed the property as being only one single family home.

The proposed use consists of three townhomes with one-car garages. Townhomes are a permitted use in the R-2 Zoning District. The project density

is 11.6 units/acre, meeting the housing goal of achieving at least 75% of the maximum allowable density.

A Special Development Permit is required in conjunction with all sites that have a PD Combining District. This permit addresses the use, building architecture and site layout as well as specific deviations requested in the project. In 1998, specific guidelines were adopted by the City Council for approval of small-lot single family projects. The project meets all of the three guidelines.

- *Projects with lots less than 4,200 square feet should maintain an overall project FAR of 50%. (Meets)*
- *Useable open space should total 500 square feet or greater with dimensions of 15 feet or greater in any direction. (Meets)*
- *The exterior boundaries of a proposed project adjacent to existing residential development should maintain the maximum required second story side yard setbacks along the side adjacent to the existing homes. (Meets)*

Site Layout: The project is located on the corner of Beemer Avenue and San Andreas Court. Across San Andreas Ct. is the Mathilda overpass. This overpass is in the planning stages for reconstruction to improve seismic safety and the aesthetics of the design. As part of those improvements, San Andreas Ct. will become a narrower thoroughway primarily for pedestrians with enhanced pavers and landscaping. No new vehicular access points are permitted on San Andreas Ct.

The proposal has three attached townhomes located at the center of the site with access from Beemer Avenue. The townhomes are set back 20 ft. from the side property lines and over 40 ft. from the rear property lines. Vehicular access is taken from Beemer Avenue.

Undergrounding: There is a utility pole on the front right corner of the project which is supported with a guywire. All new service drops from this pole will need to be undergrounded (Condition #10A).

The following Guidelines were considered in analysis of the project site design.

City-Wide Design Guidelines	Comments
<i>B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	The project has been designed to obtain access from Beemer Avenue and protect existing trees. Substantial side and rear yard setbacks provide more than adequate open space and privacy buffers from surrounding properties.

Architecture: The proposed architecture is Craftsman style, with front gables, covered porches, and wood and shingle materials. This style of architecture is reflective of some of the older homes on the street and is compatible with the neighborhood. Pedestrian orientation is maintained by having only a one-car garage for each unit with a small covered porch and entry door facing the street. Staff recommends that the trim details on the units be wood and the color materials be limited to earth tones (Conditions # 3A and 3C).

The following Guidelines were considered in the analysis of the project architecture.

City-Wide Design Guidelines	Comments
<i>C1. Maintain diversity and individuality in style but be compatible with the character of the neighborhood.</i>	Craftsman style is compatible with the transitional neighborhood along Beemer Avenue.
<i>C11. Windows and openings shall be consistent with the architectural style of buildings and maintain similar proportions and rhythm with those on adjacent buildings.</i>	The windows are compatible with the Craftsman style.

Landscaping: The primary challenge of the site design was to preserve the existing significant trees on-site.

The site currently has 3 protected heritage trees:

- A Coast Live Oak along the San Andreas Ct. frontage
- A Deodar Cedar tree along Beemer Avenue.
- A Monterey Pine in the proposed backyard of Unit 3.

Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project include preserving all three of the protected trees. Staff is recommending a tree preservation plan to protect the trees and their root systems in the course of construction (Condition #7A). Prior to issuance of the building permit, staff will need to review and approve a landscape plan for the front yards of the homes (Condition #6A).

The following Guidelines were considered in analysis of the project landscaping.

City-Wide Design Guidelines	Comments
<i>Preserve natural site features such as mature trees, creeks, views, etc. and incorporate into the site design of the new project.</i>	The significant trees have been preserved with the proposed site design.

Parking/Circulation: For multifamily projects with enclosed one car garages, the Sunnyvale Municipal Code requires one enclosed space and 1.4 unassigned spaces/unit. For a three-unit project, this translates into three single-car garages and five uncovered spaces. Units 1 and 3 have two-car wide driveways to provide for a total of five uncovered spaces.

Tentative Map

Description of Tentative Map: The proposed tentative map subdivides the lot into two 4,480 sq. ft. lots and one 2,240 sq. ft. lot. All three lots have access from Beemer Avenue.

Compliance with Development Standards/Guidelines: This project meets the development standards for the R-2 Zoning District. The two deviations are from lot size and lot width. Staff supports these deviations as they assist in providing additional homeownership opportunities.

Expected Impact on the Surroundings: There could be additional visual and privacy impacts associated with the construction of new two-story structures. However, substantial setbacks of at least 20 ft. from the property line mitigate sightlines into adjoining homes and neighbors. Staff recommends additional screening planting to be installed along the eastern property line to further buffer the project from the adjacent duplex (Condition #6C). No other noise or visual impacts are expected.

Fiscal Impact

Fees: This project is subject to the Transportation Impact Fee and Park In-Lieu Fee.

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Planning Commission Study Session: At the Study Session of March 28, 2005, the Planning Commission reviewed the site and architectural plans. Comments were given encouraging appropriate color schemes and architectural details for the Craftsman style. Comments were also made regarding the quality of the architectural details. Staff has reflected these comments in the recommended Conditions of Approval for the project.

Notice of Mitigated Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 45 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

Recommend to City Council:

1. Adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 393 Beemer Avenue from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 393 Beemer Avenue from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and do not introduce an Ordinance to Rezone 393 Beemer Avenue from R-2 to R-2/PD and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Draft Rezoning Ordinance

Recommended Findings – Rezone

Goals

Land Use and Transportation Element - Ensure ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.

The proposed zoning district allows for low-medium density uses, and this project is compatible with the surrounding development. Staff supports the Rezone with the proposed uses as the Rezone is in the public interest.

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Goal C2 – *Ensure ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.*

Land Use and Transportation Element Policy N1.2 – *Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.*

Land Use and Transportation Element Policy N1.4 – *Preserve and enhance the high quality character of residential neighborhoods..*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The project is a compatible density for the neighborhood and the zoning district. It provides ownership housing while meeting all applicable zoning standards and has high quality architecture which will improve the streetscape along Beemer Avenue.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

The project exceeds minimum setbacks for the zoning district, providing adequate buffer between the new two-story development and the adjacent one-story buildings. The proposed architecture is high quality and compatible with other Craftsman styles in that neighborhood.

Recommended Findings - Parcel Map

If any of the following findings can be made, the Planning Commission should not recommend approval of the Parcel Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff finds that the project is in conformance with the General Plan. Staff was not able to make any of the above findings, and recommends approval of the Parcel Map.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

2. ENVIRONMENTAL MITIGATION MEASURES

- A. Final construction drawings shall incorporate all noise mitigation measures as set forth below. Final plans shall bear the consultant's signature:
 - 1. What and Where: Install sound-rated windows and doors for affected windows facing the Mathilda overpass or facing the rear property line to the north to achieve 45dB or less. Include mechanical ventilation systems for affected windows.
 - 2. How: Indicate each home and show details of both window and mechanical ventilation systems on the building permit plans. When: Prior to building permit final.
 - 3. Who: The City will require these measures to be indicated on the building permit plans prior to issuance.

- B. Acoustical tests shall be performed by the developer to demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme shall be earth tones and are subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.
- C. Window trim shall be wood, not foam material.

4. FEES

- A. Pay Traffic Impact fee prior to issuance of a Building Permit.

5. FENCES

- A. Install and maintain a 7 foot acoustically effective fence along the side and rear property lines of the project. The fence construction must include:
 - 1. Constructed air-tight, i.e. without cracks, gaps or other openings, and must provide for long term durability.
 - 2. The fence may be constructed of wood and have a minimum surface weight of 2.5 lbs. per sq. ft.
 - 3. Gates may be allowed but they must meet the minimum surface weight requirement and must fit tight to the fence when closed. Astragals or stops shall be placed over the gaps at the hinge line and jamb. The gap at the bottom of the gate shall be no more than 1 inch.
 - 4. All connections with posts, pilasters and the building shell must be sealed air-tight.
- B. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

6. LANDSCAPING

- A. Landscape and irrigation plans for the front yards are subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.

- B. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- C. Provide fast-growing screening trees at minimum 30 feet intervals along the east property line, except where mature trees are located immediately adjoining on neighboring property.

7. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
 - 1. Provide fencing around the drip line of the three trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
 - 2. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

8. PARKING

- A. Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- B. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

9. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

10. UNDERGROUND UTILITIES

- A. All existing and proposed service drops shall be undergrounded.

11. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on the Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.

- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- C. Pay Park In-lieu fees estimated at \$14,973.76 prior to approval of the Parcel Map.
- D. Any private legal restrictions relating to maintenance, architectural changes or use of the property shall be reviewed and approved by the Director of Community Development prior to the Final Map.